

**United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:20-cv-07202**

FreightCar America, Inc. v. Davis–Frost, Inc.
Assigned to: Honorable John J. Tharp, Jr
Demand: \$9,999,000
Cause: 28:1332 Diversity–Breach of Contract

Date Filed: 12/04/2020
Date Terminated: 04/19/2021
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

FreightCar America, Inc.

represented by **Joshua Richard Diller**
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TERMINATED: 02/08/2021

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ATTORNEY TO BE NOTICED

V.

Defendant

Davis–Frost, Inc.

represented by **Bryan E Minier**
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Date Filed	#	Docket Text
12/04/2020	<u>1</u>	COMPLAINT filed by FreightCar America, Inc.; Filing fee \$ 402, receipt number 0752-17710367. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Temple, Nancy) (Entered: 12/04/2020)
12/04/2020	<u>2</u>	CIVIL Cover Sheet (Temple, Nancy) (Entered: 12/04/2020)
12/04/2020	<u>3</u>	ATTORNEY Appearance for Plaintiff FreightCar America, Inc. by Nancy Anne Temple (Temple, Nancy) (Entered: 12/04/2020)
12/04/2020	<u>4</u>	ATTORNEY Appearance for Plaintiff FreightCar America, Inc. by Joshua Richard Diller (Diller, Joshua) (Entered: 12/04/2020)
12/07/2020	<u>5</u>	CASE ASSIGNED to the Honorable John J. Tharp, Jr. Designated as Magistrate Judge the Honorable Jeffrey Cummings. Case assignment: Random assignment. (pj,) (Entered: 12/07/2020)
12/15/2020	<u>6</u>	WAIVER OF SERVICE returned executed by FreightCar America, Inc.. Davis-Frost, Inc. waiver sent on 12/14/2020, answer due 2/12/2021. (Temple, Nancy) (Entered: 12/15/2020)
02/05/2021	<u>7</u>	MOTION by Attorney Joshua R. Diller to withdraw as attorney for FreightCar America, Inc.. No party information provided (Diller, Joshua) (Entered: 02/05/2021)
02/08/2021	<u>8</u>	MINUTE entry before the Honorable John J. Tharp, Jr:Attorney Joshua R. Diller's motion to withdraw as attorney for Freight Car America, Inc. <u>7</u> is granted; his appearance in this matter is terminated. Mailed notice (air,) (Entered: 02/08/2021)
02/10/2021	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0752-17914959. (Maier, Charles) (Entered: 02/10/2021)
02/11/2021	<u>10</u>	MINUTE entry before the Honorable John J. Tharp, Jr:Attorney Charles K. Maier's motion for leave to appear pro hac vice <u>9</u> is granted. Counsel is directed to file their appearance on behalf of the defendant. Mailed notice (air,) (Entered: 02/11/2021)
02/12/2021	<u>11</u>	ATTORNEY Appearance for Defendant Davis-Frost, Inc. by Bryan E Minier (Minier, Bryan) (Entered: 02/12/2021)
02/12/2021	<u>12</u>	NOTICE of Motion by Bryan E Minier for presentment of (Minier, Bryan) (Entered: 02/12/2021)
02/12/2021	<u>13</u>	MOTION by Defendant Davis-Frost, Inc. to dismiss <i>Complaint</i> (Minier, Bryan) (Entered: 02/12/2021)
02/12/2021	<u>14</u>	MEMORANDUM by Davis-Frost, Inc. in support of motion to dismiss <u>13</u> <i>Complaint</i> (Minier, Bryan) (Entered: 02/12/2021)
02/12/2021	<u>15</u>	AFFIDAVIT by Defendant Davis-Frost, Inc. in Support of MOTION by Defendant Davis-Frost, Inc. to dismiss <i>Complaint</i> <u>13</u> / <i>Declaration of Calvin Henning</i> (Minier, Bryan) (Entered: 02/12/2021)
02/17/2021	<u>16</u>	MINUTE entry before the Honorable John J. Tharp, Jr:The defendant's motion to dismiss <u>13</u> is taken under advisement. The plaintiff's response is due 3/9; the defendant's reply is due 3/23. Mailed notice (air,) (Entered: 02/17/2021)
02/18/2021	<u>17</u>	

		NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Davis–Frost, Inc. / <i>Rule 7.1 Disclosure</i> (Maier, Charles) (Entered: 02/18/2021)
02/23/2021	<u>¶ 17</u>	ATTORNEY Appearance for Defendant Davis–Frost, Inc. by Charles Kenneth Maier (Maier, Charles) (Entered: 02/23/2021)
03/05/2021	<u>¶ 18</u>	MOTION by Plaintiff FreightCar America, Inc. for extension of time <i>Plaintiff's Agreed Motion for Extension of Time to File Response to Motion to Dismiss</i> (Temple, Nancy) (Entered: 03/05/2021)
03/08/2021	<u>¶ 19</u>	MINUTE entry before the Honorable John J. Tharp, Jr: The plaintiff's agreed motion for an extension of time <u>18</u> is granted. The plaintiff's response to the motion to dismiss is now due 3/16; the defendant's reply is now due 3/30. Mailed notice (air,) (Entered: 03/08/2021)
03/16/2021	<u>¶ 20</u>	MOTION by Plaintiff FreightCar America, Inc. for extension of time <i>Plaintiff's Agreed Motion for Extension of Time to File Response to Motion to Dismiss</i> (Temple, Nancy) (Entered: 03/16/2021)
03/18/2021	<u>¶ 21</u>	MINUTE entry before the Honorable John J. Tharp, Jr:The plaintiff's agreed motion for a second extension of time <u>20</u> is granted. The plaintiff's response to the motion to dismiss is now due 3/19; the defendant's reply is now due 4/2. Mailed notice (air,) (Entered: 03/18/2021)
03/19/2021	<u>¶ 22</u>	MEMORANDUM by FreightCar America, Inc. in Opposition to motion to dismiss <u>12 Complaint</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Certificate of Service)(Temple, Nancy) (Entered: 03/19/2021)
04/02/2021	<u>¶ 23</u>	REPLY by Defendant Davis–Frost, Inc. to memorandum in opposition to motion <u>22</u> , motion to dismiss <u>12 DEFENDANT DAVIS–FROST, INC.'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS THE COMPLAINT OR IN THE ALTERNATIVE TO TRANSFER VENUE</u> (Maier, Charles) (Entered: 04/02/2021)
04/19/2021	<u>¶ 24</u>	MINUTE entry before the Honorable John J. Tharp, Jr:For the reasons set forth in the Court's Statement, defendant Davis–Frost, Inc.'s motion to dismiss, or alternatively, to transfer to the Western District of Virginia <u>12</u> is granted in part. Pursuant to the parties' valid forum–selection clause, the Clerk is directed to transfer this case to the Western District of Virginia. Enter Order. Mailed notice (air,) (Entered: 04/19/2021)
04/19/2021	<u>¶ 25</u>	ORDER: For the reasons set forth in the Court's Statement, defendant Davis–Frost, Inc.'s motion to dismiss, or alternatively, to transfer to the Western District of Virginia <u>12</u> is granted in part. Pursuant to the parties' valid forum–selection clause, the Clerk is directed to transfer this case to the Western District of Virginia. Signed by the Honorable John J. Tharp, Jr on 4/19/2021. Mailed notice. (bg,) (Entered: 04/19/2021)
05/03/2021	<u>¶ 26</u>	TRANSFERRED to the Western District of Virginia (Northern) the original the electronic record.(gcy,) (Entered: 05/03/2021)